

## **REMARKS**

Claims 1-2, 4-5, 7-8, 10-11, and 13-43 are pending. Claims 1, 4, 7, 10, 26 and 28-30 have been amended. Claims 2, 5, 8, 11, and 13 are original. Claims 14-25 and 27 have been previously presented. Claims 3, 6, 9 and 12 have been canceled. Claims 31-43 are new. No new matter has been introduced by the amendment.

### **1. Claim Rejections under 35 U.S.C. § 112, First Paragraph**

Claims 1-2, 4-5, 7-8, 10-11, 13-14, 17-20 and 25-30 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Applicant respectfully traverses these rejections based on the following amendment and remarks.

Claims 1, 4, 7 and 10 have been amended to recite "the cigarette rod undergoes no translational movement during rotation". The claims have also been amended to delete the limitations upon which the rejection was based. Support for the amended independent claims 1, 4, 7 and 10 can be found in the Applicant's specification, for example, in paragraph 20, lines 1-5. Accordingly, the Applicant respectfully submits that the rejections against amended independent claims 1, 4, 7 and 10, and thus the rejections against claims 2/19/25/26, 5/20/27/28, 8/17/18/29, and 11/13/14/30, which depend from amended independent claims 1, 4, 7 and 10, respectively, have been overcome and should be withdrawn.

### **2. The Amended Independent Claims 1, 4, 7 and 10 are Distinguishable from Luke (U.S. Pat. No. 4,583,558) and Molins Et Al. (U.S. Pat. No. 4,111,740)**

Luke was cited in the non-final Office Action mailed December 19, 2005. Luke describes a method of marking a smoking-article in which the cigarette rod 7 is caused to roll over the surface 2 of the plate 3 or to pass across the faces of each heated die 1 (see

column 3, lines 44-46; and column 4, lines 65-68). That is, the cigarette rod 7 is moving to a new location while being rotated. In other words, the cigarette rod 7 undergoes translational movement during rotation.

Molins was cited in the non-final Office Action mailed May 26, 2006. Molins describes an apparatus for joining axially abutting rods of the cigarette industry in which the filter sections (cigarette rods or two-up filtered cigarette rods) 10 are rolled relative to the rolling drum 14 and relative to the rolling plate 18, starting with the fingers 18A (see column 2, lines 30-32). That is, the filter sections 10 are moving to a new location while being rotated. In other words, the filter sections 10 undergo translational movement during rotation.

In contrast, the apparatus and method for producing a cigarette recited in amended independent claims 1, 4, 7 and 10 recite that the cigarette rod or the two-up filtered cigarette rod undergoes no translational movement during rotation, and that additive material is applied during this rotation.

In view of the above amendments and remarks, the Applicant respectfully submits that neither Luke nor Molins teaches or suggests all the claim limitations as recited in amended independent claims 1, 4, 7 and 10. Accordingly, the Applicant further respectfully submits that amended independent claims 1, 4, 7 and 10, and thus claims 2/19/25/26, 5/20/27/28, 8/17/18/29, and 11/13/14/30, which depend from amended independent claims 1, 4, 7 and 10, respectively, are distinguishable from both Luke and Molins, and should be allowable.

### **3. New Claims**

New claims 31-35 are based on original claims 13 and 14, and depend from amended independent claims 1, 4 and 7. New claims 36-39 and 40-43 depend from amended independent claims 7 and 10, respectively. Support for new claim 36 can be

found in Applicant's specification, for example, in paragraph 0027, line 1. Support for new claims 37 and 41 can be found in Applicant's specification, for example, in paragraph 0040, lines 1-7. Support for new claims 39, 40, 42 and 43 can be found in Applicant's specification, for example, in paragraph 0046, lines 1-13.

As discussed above, amended independent claims 1, 4, 7 and 10 should be patentable. Accordingly, new claims 31-43, which depend from amended independent claims 1, 4, 7 and 10, should be patentable, without more.

#### **4. Allowed Subject Matter**


Claims 15-16 and 21-24 have been allowed.

#### **5. Conclusion**

Based on the above amendments and remarks, the Applicant submits that the claims are in condition for allowance. The examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Date: February 14, 2007

Respectfully submitted,



Marc V. Richards  
Registration No. 37,921  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312) 321-4200